

#### *F. Steps Taken To Minimize Significant Impact on Small Entities and Significant Alternatives Considered*

26. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

27. In order to minimize the administrative burdens on licensees, including small businesses, the Commission considered and declined to create a new form to collect the data on minority and female ownership. Instead, the Commission concluded that collecting the information on the current FCC Form 323 is the most efficient and least burdensome method of collecting minority and female broadcast ownership data. The R&O considered as an alternative whether to enlarge the class of stations that are required to file Form 323 biennially and concluded that the most effective way to obtain comprehensive ownership data is to require all full power commercial broadcast stations, LPTV, and Class A stations to file the revised Form 323 biennially. Currently, if a licensee is directly or indirectly controlled by another entity, or if another entity has an attributable interest in such licensee or permittee, a separate Form 323 must be submitted for each such entity. As suggested by NAB, the Commission considered the alternative of revising the reporting requirement so that a single form could be filed for all of the entities ultimately controlled by the same parent company or a single form for each licensee. The Commission did not revise the current reporting requirement because it was not convinced that requiring broadcasters to obtain all ownership data for parent corporations and attributable entities on a single form would be less burdensome. For instance, the Commission stated that licensees may find it burdensome to collect ownership information as to certain entities that hold interests in the licensee indirectly through a vertical ownership chain. However, to further improve the ability of researchers and other users of the data to cross-reference information and

construct complete ownership structures, the Commission is requiring each attributable entity above the licensee in the ownership chain to list, on Form 323, the FCC Registration Number of the entity in which it holds an attributable interest. The Commission considered the alternative of modifying the existing rolling filing schedule which is tied to a station's renewal cycle. In order to permit rigorous analysis based on data that is current as of the same date for all filers, the Commission concluded that it is necessary to establish a uniform submission date for the biennial filings. Therefore, the R&O states that files must file Form 323 no later than November 1, 2009, and every two years thereafter. The R&O also states that ownership data must be current as of October 1 of the filing year.

#### *G. Report to Congress*

28. The Commission will send a copy of this R&O, including this FRFA, in a report to Congress and the Government Accountability Office, pursuant to the Congressional Review Act. In addition, the Commission will send a copy of this R&O, including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

#### **List of Subjects in 47 CFR Parts 73 and 74**

Radio, Television.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

#### **Final Rules**

■ For the reasons stated in the preamble, the Federal Communications Commission amends 47 CFR parts 73 and 74 as follows:

#### **PART 73—RADIO BROADCAST SERVICES**

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336 and 339.

■ 2. Section 73.3615 is amended by revising paragraph (a) introductory text to read as follows:

##### **§ 73.3615 Ownership reports.**

(a) The Ownership Report FCC Form 323 must be electronically filed no later than November 1, 2009, and every two years thereafter by each licensee of a commercial AM, FM, or TV broadcast station ("Licensee") and each entity that holds an interest in the licensee that is attributable for purposes of determining compliance with the Commission's

multiple ownership rules (see Notes 1–3 to 47 CFR 73.3555) or would be attributable but for the single majority shareholder exemption (see former Note 2(b) of 47 CFR 73.3555 and Order 16 FCC Rcd 22310 (2001)) or the higher threshold for attribution of certain interests in eligible entities under the Equity Debt Plus attribution standard (see Note 2(i) to 47 CFR 73.3555) ("Respondent"). A Licensee or Respondent with a current and unamended Report on file at the Commission, which was filed on or by the November 1, 2009 initial filing date or thereafter, may electronically certify that it has reviewed its current Report and that it is accurate, in lieu of filing a new Report. Ownership Reports shall provide the following information as of October 1 of the year in which the report is filed:

\* \* \* \* \*

■ 3. Section 73.6026 is amended by adding the following entry to the end of the list as follows:

##### **§ 73.6026 Broadcast regulations applicable to Class A television stations.**

\* \* \* \* \*

§ 73.3615(a) and (g) Ownership reports.

#### **PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES**

■ 4. The authority citation for part 74 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336 and 339.

■ 5. Add § 74.797 to subpart G to read as follows:

##### **§ 74.797 Biennial Ownership Reports.**

The Ownership Report FCC Form 323 must be electronically filed no later than November 1, 2009, and every two years thereafter by each licensee of a low power television station or Respondent (as defined in § 73.3615(a) of this chapter). Beginning with the 2011 filing, a licensee or Respondent with a current and unamended Report on file at the Commission may certify electronically that it has reviewed its current Report and that it is accurate, in lieu of filing a new Report. Ownership Reports shall provide information as of October 1 of the year in which the report is filed. For information on filing requirements, filers should refer to § 73.3615(a) of this chapter.

[FR Doc. E9–12312 Filed 5–26–09; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 09–1032; MB Docket No. 09–9; RM–11511]

**Radio Broadcasting Services: Mineral and Nevada City, CA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The staff grants in part a rulemaking petition filed by Shamrock Communications, Inc., by deleting vacant FM Channel 297A at Nevada City, California. However, the staff denies Shamrock's proposal to allot Channel 297A at Mineral, California, because the city-grade (70 dBu) contour of this proposed allotment does not encompass entirely the boundaries of Mineral as required under the Commission's Rules. *See*

**SUPPLEMENTARY INFORMATION, *infra*.**

**DATES:** Effective June 22, 2009.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 09–9, adopted May 6, 2009, and released May 8, 2009. The full text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or <http://www.BCPIWEB.com>.

The *Notice of Proposed Rule Making* in this proceeding solicited comment on deleting the Nevada City allotment. *See* 74 FR 7847 (February 20, 2009). No parties filed comments expressing an interest in retaining or applying for this vacant allotment. In addition, Shamrock's rulemaking petition was filed as part of a hybrid application and rulemaking proposal involving Shamrock's concurrently filed minor change application (File No. BMPH–20071108ACY). In this application, Shamrock proposes the reallocation of Channel 297C from Alturus, California, to Fernley, Nevada, and the associated modification of its construction permit

for a new FM station at Alturus. The modification of the Alturus construction permit is contingent upon the deletion of the Nevada City allotment. The *Report and Order* notes that Shamrock's application is being granted simultaneously with the release of the *Report and Order*.

The *Report and Order* does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). The Commission will send a copy of the *Report and Order* in this proceeding in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

**PART 73—RADIO BROADCAST SERVICES**

■ 1. The authority for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Nevada City, Channel 297A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau, Federal Communications Commission.*

[FR Doc. E9–12309 Filed 5–26–09; 8:45 am]

**BILLING CODE 6712–01–P**

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration**

**49 CFR Parts 200, 201, 209, 211, 212, 214, 215, 216, 219, 221, 224, 227, 228, 229, 230, 232, 235, 236, 238, 239, 240, 241, 244, 245, 256, 260, and 268**

[Docket No. FRA–2008–0128]

**RIN 2130–AB99**

**Amendments Updating the Address for the Federal Railroad Administration and Reflecting the Migration to the Federal Docket Management System**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** FRA is amending a number of its regulations to update the address of the physical headquarters of FRA and the U.S. DOT in Washington, DC. FRA is also amending references to the Central Docket Management System (DMS) to reflect DOT's migration to the Federal Docket Management System (FDMS). This rule also modifies requirements for submitting petitions to the Railroad Safety Board, to make the requirements consistent with current FRA practice. Lastly, this rule updates outdated authority citations and removes parts for which authority no longer exists.

**DATES:** Effective May 27, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Elizabeth A. Gross, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., Mail Stop 10, Washington, DC 20590 (telephone 202–493–1342), [elizabeth.gross@dot.gov](mailto:elizabeth.gross@dot.gov).

**SUPPLEMENTARY INFORMATION:** In December 2007, FRA moved its offices to the new U.S. DOT Headquarters located at 1200 New Jersey Avenue, SE., Washington, DC 20590. This final rule updates 49 CFR subtitle B, chapter II to accurately reflect the new address of FRA and DOT. This address change only affects FRA offices previously located at 1120 Vermont Avenue, NW., Washington, DC 20590 and the DOT Headquarters previously located at 400 Seventh Street, SW., Washington, DC 20590. FRA offices located elsewhere are not affected. Additionally, on October 26, 2007, all data on DOT's Central Docket Management System migrated to the Federal Docket Management System. This rule amends outdated references to DOT's Docket Management System in order to accurately reflect DOT's conversion to the new docket system. This rule also changes requirements for submitting